

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference TS 8579 PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 03/08062	International filing date (day/month/year) 16.07.2003	Priority date (day/month/year) 19.07.2002
International Patent Classification (IPC) or both national classification and IPC C10L1/04		
Applicant SHELL INTERNATIONALE RESEARCH MAATSCHAPPIJ B.V.		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.
 - ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

- This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 18.02.2004	Date of completion of this report 13.12.2004
Name and mailing address of the International preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Bertin-van Bommel, S Telephone No. +31 70 340-4231 

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EXAMINATION REPORT**

International application No. **PCT/EP 03/08062**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-9 as originally filed

Claims, Numbers

1-11 as originally filed

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-11
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-11
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

2. Citations and explanations

see separate sheet

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Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Reference is made to the following document:

- D6: "Heizung + Klimatechnik 01/02", (RECKNAGEL), Sprenger, Schramek, ISBN: 3-468-26450-8, page 718 *[cited in the application]*
- D7: DRY M E: "Fischer-Tropsch reactions and the environment" APPLIED CATALYSIS A: GENERAL, ELSEVIER SCIENCE, AMSTERDAM, NL, vol. 189, no. 2, 6 December 1999 (1999-12-06), pages 185-190, XP004272055 ISSN: 0926-860X *[cited in the search report]*

2. Document D6, which is considered to represent the most relevant state of the art, discloses (cf. abstract) a process to generate heat by burning a liquid fuel in an evaporator burner oven.

The subject-matter of claim 1 therefore differs from this known process in that a the fuel burned in the evaporator burner oven comprises a Fischer-Tropsch derived fuel.

Claim 1 is therefore novel in the sense of Article 33(2) PCT.

3. The problem to be solved by the present invention may be regarded as reducing carbon deposits and emissions of unburned hydrocarbons and carbon monoxide.

However, it is known to the skilled person that burning a Fischer-Tropsch derived fuel causes less carbon deposits, no significant odour and reduced carbon monoxide and unburned hydrocarbon emissions (e.g. see D7: p.188, ln.19-34). As these advantages of a Fischer-Tropsch fuel are already known, the skilled person would use a Fischer-Tropsch derived fuel in a burner according to D7, without the exercise of inventive skill, in order to solve the problem posed.

Hence, the solution proposed in claim 1 of the present application can not be considered as involving an inventive step (Article 33(3) PCT).

4. It is noted that the subject-matter of claim 1 consists in the selection of a particular fuel for evaporator burner ovens. Such a selection can only be regarded as inventive, if the employed fuel presents unexpected effects or properties, over the those known from the

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prior art. However, no such effects or properties are indicated in the application.

5. Dependent claims 2-11 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT with respect to inventive step, as they come within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can be readily contemplated in advance.